

# Order

Michigan Supreme Court  
Lansing, Michigan

May 4, 2011

Robert P. Young, Jr.,  
Chief Justice

142106

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

ARTHUR WHITMORE and ELAINE  
WHITMORE,  
Plaintiffs-Appellees,

v

SC: 142106  
COA: 289672  
Charlevoix CC: 08-014922-NO

CHARLEVOIX COUNTY ROAD  
COMMISSION,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the October 7, 2010 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.302(H)(1). At oral argument, the parties shall address whether the plaintiffs demonstrated that the defendant “knew, or in the exercise of reasonable diligence should have known, of the existence of the defect” that rendered the roadway not “reasonably safe and convenient for public travel.” MCL 691.1402(1); 691.1403. See *Wilson v Alpena Co Rd Comm*, 474 Mich 161 (2006). The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 4, 2011

*Corbin R. Davis*

Clerk